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EXAMINER

EKPO, NNENNA NGOZI

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,938	Applicant(s) SHI ET AL.	
	Examiner Nnenna N. Ekpo	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/20/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement

1. This Office Action is responsive to the arguments filed on September 20, 2008.

Specification

2. Previous objection to the abstract is withdrawn in view of Applicant's amendment filed on September 20, 2008.

Drawings

3. Previous objections to the drawings are withdrawn in view of Applicant's amendment filed on September 20, 2008.

Specification

4. Previous objection to the specification is withdrawn in view of Applicant's amendment filed on September 20, 2008.

Response to Arguments

5. Applicant's arguments filed 09/20/2008 have been fully considered but they are not persuasive.
6. Applicant argues on pages 10+ of the 09/20/2008 Remarks that neither Brunelle et al. (U.S. Patent No. 7,184,522), Allen et al. (U.S. Publication No. 2003/0041332), Hoshino et al. (U.S. Patent No. 6,804,300) nor Ishida et al. (U.S. Patent No. 6,029,047) taken alone or in combination teach, disclose or suggest the amended claim limitation "detecting on-line disconnection" and "when said on-line disconnection is detected, prompt for user input to allow a user to choose between continuing viewing the video program as it is currently being played at the time of said on-line disconnection and

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viewing the video program from the time recorded when the on-line connection was established” as now recited in independent claims 1, 7 and 13.

7. In response to Applicant arguments, the Examiner respectfully disagrees.

Brunelle et al. teaches “detecting on-line disconnection” on col. 4, lines 31-34.

However, Brunelle et al. is silent on “prompting for user input to allow a user to choose between continuing viewing the video program as it is currently being played at the time of said on-line disconnection and viewing the video program from the time recorded when the on-line connection was established”.

8. Allen et al. discloses prompting for user input to allow a user to choose between continuing viewing the video program as it is currently being played at the time of said on-line disconnection (see paragraphs 0072-0083, when the communication between caller 403 and user 405 is terminated, the user may configure the set top box to playback the buffered television signal from the point in time at which the phone call was accepted) and viewing the video program from the time recorded when the on-line connection was established (see paragraph 0084, if the user 405 rejects to the request to answer the call from caller 403, the user continues viewing the television program without much interruption).” Therefore, the combination of Brunelle et al., Allen et al., Hoshino et al. and Ishida et al. meets the claim limitation.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1, 6, 7 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 7,184,522) in view of Allen et al. (U.S. Publication No. 2003/0041332), Hoshino et al. (U.S. Patent No. 6,804,300) and Ishida et al. (U.S. Patent No. 6,029,047).

Regarding claims 1 and 7, Brunelle et al. discloses a set top terminal (see col. 2, lines 36-43), comprising:

a storage device that is configured to continuously record a current video program (see col. 3, lines 64-66);

a detection circuit that is configured to detect on-line connection of a communication event (see col. 1, lines 36-39 and col. 3, lines 37-44) and detecting on-line disconnection (see col. 4, lines 31-34).

However, Brunelle et al. fails to specifically disclose a recording circuit, operably coupled to the storage device and the detection circuit that is configured to record date and time of the on-line connection and a current channel number being viewed; a selection circuit, operably coupled to the detection circuit and when said on-line disconnection is detected, prompt for user input to allow a user to choose between continuing viewing the video program as it is currently being played at the time of said on-line disconnection and viewing the video program from the time recorded when the on-line connection was established.

Allen et al. discloses a recording circuit (playback (810)), operably coupled to the storage device (storage (310)) and the detection circuit (detection (802)) (see fig 8), prompting for user input to allow a user to choose between continuing viewing the video program as it is currently being played at the time of said on-line disconnection (see paragraphs 0072-0083, when the communication between caller 403 and user 405 is terminated, the user may configure the set top box to playback the buffered television signal from the point in time at which the phone call was accepted) and viewing the video program from the time recorded when the on-line connection was established (see paragraph 0084, if the user 405 rejects to request to answer the call from caller 403, the user continues viewing the television program without much interruption).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al.'s invention with the above mentioned limitation as taught by Allen et al. for the advantage of storing/recording a television program when a phone call needs to be made or answered.

However, Brunelle et al. and Allen et al. fail to specifically disclose configured to record date and time of the on-line connection and a current channel number being viewed; and a selection circuit, operably coupled to the detection circuit.

Hoshino et al. discloses configured to record date, time and a current channel number being viewed (see col. 17, lines 17-40 and figs 16-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al. and Allen et al.'s invention

with the above mentioned limitation as taught by Hoshino et al. for the advantage of retrieving a television program.

However, Brunelle et al., Allen et al. and Hoshino et al. fail to specifically disclose selection circuit, operably coupled to the detection circuit.

Ishida et al. discloses selection circuit (call line selector (28)), operably coupled to the detection circuit (incoming call line indicator (29)) (see fig 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al. and Hoshino et al.'s invention with the above mentioned limitation as taught by Ishida et al. for the advantage of selecting the appropriate recorded television program.

Regarding **claims 6 and 12**, Brunelle et al., Allen et al., Hoshino et al. and Ishida et al. discloses everything claimed as applied above (*see claims 1 and 7*).

Hoshino et al. discloses the terminal, wherein the storage device stores the date, time and a current channel number being viewed in a pre-defined table format as a set of data (see col. 17, lines 1-11 and figs 15-16), with a sequence number for each set of data (see fig 20 (1, 2, 3)).

Brunelle et al. discloses the on-line connection (incoming call) of the communication event, along (see col. 1, lines 24-32).

11. **Claims 13 and 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 7,184,522) in view of Allen et al. (U.S. Publication No.

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2003/0041332), Hoshino et al. (U.S. Patent No. 6,804,300), Ishida et al. (U.S. Patent No. 6,029,047) and Potrebic (U.S. Patent No. 6,798,971).

Regarding **claim 13**, Brunelle et al. discloses a storage device that is configured to continuously record a current video program (see col. 3, lines 64-66);

a detection circuit that is configured to detect on-line connection of a communication event (see col. 1, lines 36-39 and col. 3, lines 37-44) and detecting on-line disconnection (see col. 4, lines 31-34).

However, Brunelle et al. fails to specifically disclose a recording circuit, operably coupled to the storage device and the detection circuit, that is configured to record date and time of the on-line connection and a current channel number being viewed; a selection circuit, operably coupled to the detection circuit, a tuner, a display operably coupled to the tuner; a recording device, operably coupled to the tuner and prompt for user input to allow a user to choose between continuing viewing the video program as it is currently being played at the time of said on-line disconnection and viewing the video program from the time recorded when the on-line connection was established.

Allen et al. discloses a recording circuit (playback (810)), operably coupled to the storage device (storage (310)) and the detection circuit (detection (802)) (see fig 8),

prompting for user input to allow a user to choose between continuing viewing the video program as it is currently being played at the time of said on-line disconnection (see paragraphs 0072-0083, when the communication between caller 403 and user 405 is terminated, the user may configure the set top box to playback the buffered television signal from the point in time at which the phone call was accepted)

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and viewing the video program from the time recorded when the on-line connection was established (see paragraph 0084, if the user 405 rejects to request to answer the call from caller 403, the user continues viewing the television program without much interruption).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al.'s invention with the above mentioned limitation as taught by Allen et al. for the advantage of storing/recording a television program when a phone call needs to be made or answered.

However, Brunelle et al. and Allen et al. fails to specifically disclose configured to record date and time of the on-line connection and a current channel number being viewed; and a selection circuit, operably coupled to the detection circuit, a tuner, a display operably coupled to the tuner; and a recording device, operably coupled to the tuner.

Hoshino et al. discloses configured to record date, time and a current channel number being viewed (see col. 17, lines 17-40 and figs 16-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al. and Allen et al.'s invention with the above mentioned limitation as taught by Hoshino et al. for the advantage of retrieving a television program.

However, Brunelle et al., Allen et al. and Hoshino et al. fails to specifically disclose selection circuit, operably coupled to the detection circuit, a tuner, a display operably coupled to the tuner; and a recording device, operably coupled to the tuner.

Ishida et al. discloses selection circuit (call line selector (28)), operably coupled to the detection circuit (incoming call line indicator (29)) (see fig 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al. and Hoshino et al.'s invention with the above mentioned limitation as taught by Ishida et al. for the advantage of selecting the appropriate recorded television program.

However, Brunelle et al., Allen et al., Hoshino et al. and Ishida et al. fails to specifically disclose a tuner, a display operably coupled to the tuner; and a recording device, opearbly coupled to the tuner.

Potrebic discloses a tuner (tuner (70)), a display (display device (14)) operably coupled to the tuner (tuner (70)); and a recording device (signal recorder (30)), opearbly coupled to the tuner (tuner (70)) (see fig 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al., Hoshino et al. and Ishida et al.'s invention with the above mentioned limitation as taught by Potrebic for the advantage tuning and displaying the recorded television program.

Regarding **claim 18**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Potrebic discloses everything claimed as applied above (*see claim 13*).

Hoshino et al. discloses the terminal, wherein the storage device stores the date, time and a current channel number being viewed in a pre-defined table format as a set

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of data (see col. 17, lines 1-11 and figs 15-16), with a sequence number for each set of data (see fig 20 (1, 2, 3)).

Brunelle et al. discloses the on-line connection (incoming call) of the communication event, along (see col. 1, lines 24-32).

12. **Claims 2-5 and 8-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 7,184,522), Allen et al. (U.S. Publication No. 2003/0041332), Hoshino et al. (U.S. Patent No. 6,804,300) and Ishida et al. (U.S. Patent No. 6,029,047) as applied to *claims 1 and 7* above, and further in view of Yamamuro (U.S. Patent No. 6,738,952).

Regarding **claims 2 and 8**, Brunelle et al., Allen et al., Hoshino et al. and Ishida et al. discloses everything claimed as applied above (*see claims 1 and 7*).

Hoshino et al. discloses configured to retrieve video contents from the storage device starting from the recorded date and time selected by the user (see col. 17, lines 45-49).

Brunelle et al. discloses if the user chooses to view the video program from the time the on-line connection was established (see col. 1, lines 54-56).

However, Brunelle et al., Allen et al., Hoshino et al. and Ishida et al. fails to specifically disclose a retrieving circuit, operably coupled to the storage device and the selection circuit.

Yamamuro discloses a retrieving circuit (retrieval and display controller (14)), operably coupled to the storage device (ROM, RAM (17)) and the selection circuit (touch panel (12)) (see fig 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al., Hoshino et al. and Ishida et al.'s invention with the above mentioned limitation as taught by Yamamuro for the advantage of viewer not missing part of the television program.

Regarding **claims 3 and 9**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Yamamuro discloses everything claimed as applied above (*see claims 2 and 8*).

Yamamuro discloses playing circuit, operably coupled to the retrieving circuit (see fig 1).

Brunelle et al. discloses retrieving circuit that is configured to play the retrieved video contents (see col. 6, lines 31-36).

Regarding **claims 4 and 10**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Yamamuro discloses everything claimed as applied above (*see claims 2 and 8*).

Hoshino et al. discloses the terminal, wherein the selection circuit includes a prompting circuit that is configured to prompt for a user's input to select desired date and time for playing the video program (see col. 12, lines 50-58 and col. 15, lines 30-38); and

the retrieving circuit retrieves the video contents for a channel number associated with the selected date and time (see col. 17, lines 45-49).

Regarding **claims 5 and 11**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Yamamuro discloses everything claimed as applied above (see *claims 4 and 10*).

Yamamuro discloses playing circuit, operably coupled to the retrieving circuit (see fig 1).

Brunelle et al. discloses retrieving circuit that is configured to play the retrieved video contents (see col. 6, lines 31-36).

13. **Claims 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 7,184,522), Allen et al. (U.S. Publication No. 2003/0041332), Hoshino et al. (U.S. Patent No. 6,804,300), Ishida et al. (U.S. Patent No. 6,029,047) and Potrebic (U.S. Patent No. 6,798,971) as applied to *claim 13* above, and further in view of Yamamuro (U.S. Patent No. 6,738,952).

Regarding **claim 14**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Potrebic discloses everything claimed as applied above (see *claim 13*).

Hoshino et al. discloses configured to retrieve video contents from the storage device starting from the recorded date and time selected by the user (see col. 17, lines 45-49).

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Brunelle et al. discloses if the user chooses to view the video program from the time the on-line connection was established (see col. 1, lines 54-56).

However, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Potrebic fails to specifically disclose a retrieving circuit, operably coupled to the storage device and the selection circuit.

Yamamuro discloses a retrieving circuit (retrieval and display controller (14)), operably coupled to the storage device (ROM, RAM (17)) and the selection circuit (touch panel (12)) (see fig 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Potrebic's invention with the above mentioned limitation as taught by Yamamuro for the advantage of viewer not missing part of the television program.

Regarding **claim 15**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al., Potrebic and Yamamuro discloses everything claimed as applied above (see *claim 14*).

Yamamuro discloses playing circuit, operably coupled to the retrieving circuit (see fig 1).

Brunelle et al. discloses retrieving circuit that is configured to play the retrieved video contents (see col. 6, lines 31-36).

Regarding **claim 16**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al., Potrebic and Yamamuro discloses everything claimed as applied above (see *claim 14*).

Hoshino et al. discloses the terminal, wherein the selection circuit includes a prompting circuit that is configured to prompt for a user's input to select desired date and time for playing the video program (see col. 12, lines 50-58 and col. 15, lines 30-38); and

the retrieving circuit retrieves the video contents for a channel number associated with the selected date and time (see col. 17, lines 45-49).

Regarding **claim 17**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al., Potrebic and Yamamuro discloses everything claimed as applied above (*see claim 16*).

Yamamuro discloses playing circuit, operably coupled to the retrieving circuit (see fig 1).

Brunelle et al. discloses retrieving circuit that is configured to play the retrieved video contents (see col. 6, lines 31-36).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/

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Patent Examiner
November 14, 2008.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425